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JUN 09 1991

BOX ISSUE FEE  
PATENT  
717-159P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Hiroshi HAMADA et al BATCH NO: M20

SERIAL NO.: 07/340,777 GROUP: 254

FILED: April 20, 1989 EXAMINER: Mai

FOR: A LIQUID CRYSTAL ACTIVE-MATRIX DISPLAY DEVICE

REQUEST FOR RECONSIDERATION OF BASIS OF DENIAL FOR PETITION

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

May 22, 1991

Sir:

Applicants' attorney has received a denial of a Petition under 37 CFR 1.312(b), issued April 23, 1991, in connection with the above-identified application. In the denial of the Petition, the Director of Group 250 indicated that an Information Disclosure Statement filed March 22, 1991, was considered as a 37 CFR 1.312(b) "Amendment", and hence treated it under 37 CFR 1.312(b) as a Petition for Entry of an Amendment after payment of the Issue Fee. The treatment of the Information Disclosure Statement as an "Amendment under 37 CFR 1.312(b)" is improper.

The present application had been withdrawn from allowance and although an Issue Fee had been paid on July 18, 1990, prosecution was reopened on September 6, 1990. Accordingly, since the Issue Fee in the present application was due and subsequently paid on April 24, 1991, one day after the Petition was denied, the previously submitted Information Disclosure Statement should not

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Reconsideration  
of  
312(b)

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have been treated as an "Amendment" under 37 CFR 1.312(b) in that it was submitted prior to payment of the Issue Fee.

The Applicants submitted this Information Disclosure Statement on March 22, 1991, after the Notice of Allowance had issued on January 24, 1991, but before the Issue Fee had been paid on April 24, 1991. The Applicants' attorney indicated that the documents were submitted at that time due to the fact that Applicants' foreign representative had recently made these publications available to the Applicants' attorney. Thus, Applicants' attorney requested consideration of the documents cited on the Information Disclosure Statement filed March 22, 1991. Thus, Applicants respectfully request reconsideration of the basis of the decision.

In the Petition, the Director of Group 250 indicated that the information was not being considered because Applicants' attorney had not submitted a statement indicating that the information cited was material to the examination of the application as defined in 37 CFR 1.56(a). The Director is correct in that Applicants' attorney did not indicate that the references were material to the examination of the present application because Applicants' attorney did not believe such references are material to the examination of the present application. These references were cited because they had been provided prior to payment of the Issue Fee in connection with the above-identified application, to Applicants' attorney.

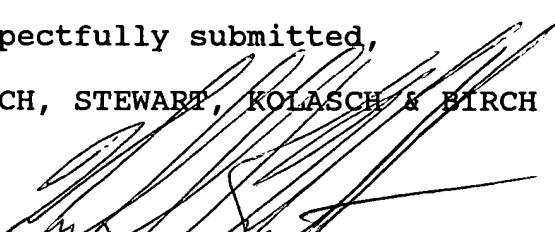
Applicants' attorney was merely making every possible attempt to fulfill the duty of disclosure provisions under 37 CFR 1.97-

only be considered if they are material to the examination of the present application, and since Applicants' attorney does not consider the references to be material, no further action is necessary.

Please charge any fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH

By: 

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